IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.633 OF 2005

Jagdish Singh & ors. Appellants

Vs.

Jayesh S. Kotak & anr. Respondents

Mr.P.G.Lad for appellants.
Mr.Jayesh Shashikant Kotak, resp.no.1 in person.

CORAM: B.H.MARLAPALLE,J.
July 26, 2005.

P.C.

. Heard Mr.Lad, the learned counsel for the appellants and Mr.Jayesh Shashikant Kotak, respondent no.1-party in person.

. The appellants have now placed on record additional documents to show that Maharashtra Heavy Vehicle & Interstate Container Operator's Association is registered under the Bombay Public Trusts Act, 1950 pursuant to the registration certificate on 24-2-1998. The said Association is also registered under the Societies Registration Act, 1860 on 20-11-1996.

. It would be, therefore, necessary for the appellants to approach the trial Court and take out a

fresh Notice of Motion either to vacate the interim order or modify the same in Notice of Motion No.1037 of 2005, by relying upon the provisions of the Bombay Public Trusts Act, 1950. The present respondents would be certainly at liberty to file their reply and contest such a motion.

. So far as this appeal is concerned, no interference is called for in the impugned order at this stage and, therefore, the appeal is disposed off with liberty to the appellants to approach the trial Court. Needless to mention that the trial Court would decide the fresh motion, if any, on its own merits and after hearing all the parties.

(B.H.MARLAPALLE,J.)